SINGLE BENCH

CF 200/ (4) (2)

IN THE HIGH COURT OF CHHATTISGARH AT BILASPUR

WRIT PETITION (S) NO. 987/07 /~~2006~~

WRIT PETITION U/A 226 OF THE CONSTITUTION OF INDIA,

PETITIONERS

1. Krishna Kumar Singh, aged about 47 years, son of Shri Ranjit Singh, Assistant Teacher, Government Tribal Primary School Madhupur, Bagicha, Distt. Jashpur (CG) (SL.NO.2 of Annexure P-1 dt. 21.1.1992)

2. Smt. Meristella Minj, aged about 38 years, wife of Shri Selvestar Minj, Assistant Teacher, Government Tribal Primary School Kadamtoli, Bagicha, Distt. Jashpur (CG) (SL.NO.09 of P-1 dt. 20.4.1992)

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P.I.No. 126/07 RK Majumdar Presented dated 13/2/07

VERSUS

RESPONDENTS

1. State of Chhattisgarh, through – Secretary, Department of Tribal Welfare, Dau Kalyan Singh Bhawan, Raipur (C.G.)

2. The Assistant Commissioner, Tribal Welfare Distt. Jashpur (C.G.)

COMMISSIONER S.R. Kaushik BILASPUR TAHSIL AREA

01. PARTICULARS ABOUT THE PETITIONERS

As per cause title.

(22)

HIGH COURT OF CHHATTISGARH AT BILASPUR

SINGLE BENCH : HON'BLE MR. SATISH K. AGNIHOTRI, J.

WRIT PETITION (S.) NO.987 OF 2007

Petitioners : Krishna Kumar Singh and another

versus

Respondents : State of Chhattisgarh and another

Present : Mr. A.N.Bhakta, counsel for the petitioners.
Ms. Sunita Jain, Panel Lawyer for the State/respondents.

ORDER

(Passed on 20th Day of February, 2007)

The petitioners were appointed in the year 1992 as Assistant Teacher on a fixed pay of Rs.600/- per month. After completion of three years' probation, the petitioners were granted regular pay-scale of Rs.1200-2040.

2. Learned counsel appearing for the petitioners submits that the issue involved in the case is as to whether the petitioners are entitled to regular pay-scale with effect from the date of initial appointment or from the date of completion of probation period.

3. The issue involved herein was considered by the Madhya Pradesh Administrative Tribunal, Jabalpur in Original Application No.2745 of 1989 (*Madhukant Yadu and 56 others* vs. *State of M.P. and others*), wherein it was held that the similarly situated teachers are

entitled to regular pay-scale with effect from the date of initial appointment. The matter was taken-up to the Hon'ble Supreme Court in Special Leave Petition (Civil) No.6892 of 1993. The said petition was dismissed by the Hon'ble Supreme Court upholding the decision of the Tribunal to the effect that the Teachers/Assistant Teachers are entitled to regular pay-scale from the date of initial appointment.

4. Learned counsel appearing for the petitioners further submits that this Court, while considering the same issue in the matter of ***Rakesh Kumar Sharma and another*** **vs.** ***State of Chhattisgarh and others*** (Writ Petition (S.) No.5473 of 2006), by order dated 9-10-2006, has granted regular pay-scale with effect from the date of initial appointment.

5. Learned counsel appearing for the parties jointly submit that the facts and question of law involved in the present writ petition are squarely covered by the decision of this Court in the case of ***Rakesh Kumar Sharma and another*** **vs.** ***State of Chhattisgarh and others*** (supra).

6. For the aforementioned reasons, the writ petition is disposed of in terms of the decision of this Court in the matter of ***Rakesh Kumar Sharma and another*** **vs.** ***State of Chhattisgarh and others*** (supra). No order as to costs.

Sd/-
Satish K. Agnihotri
Judge

Gopal